

Minutes of the Planning Commission meeting held on Thursday, August 21, 2008, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Tim Taylor, Chair  
Karen Daniels, Vice-Chair  
Sheri Van Bibber  
Jeff Evans  
Tim Tingey, Community & Economic Development Director  
Ray Christensen, Senior Planner  
Chad Wilkinson, Community Development Planner  
G.L. Critchfield, Deputy City Attorney  
Citizens

Excused: Jim Harland  
Ray Black  
Kurtis Aoki

The Staff Review meeting was held from 6:00 to 6:30 p.m. The planning commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Tim Taylor opened the Planning Commission meeting at 6:30 p.m. and welcomed the public. He reviewed the procedures of this meeting.

#### APPROVAL OF MINUTES

Tim Taylor asked for additions or corrections to the minutes of June 19, 2008. Jeff Evans made a motion to approve the minutes as submitted. Karen Daniels seconded the motion.

A voice vote was made. The minutes were approved unanimously (4-0).

#### CONFLICT OF INTEREST

Tim Taylor asked the commission members if there are any conflict of interests for any of the applications on tonight's agenda. Karen Daniels stated that she has had business dealings in the past with Larry Wilson through her place of employment, but feels this will not influence her ability to make a decision on the application tonight. Sheri Van Bibber stated that she too has done business with Larry Wilson in the past, but felt that would not influence her decision making for his application.

#### EXTRA MILE USED CARS - 377 West 5900 South

Larry Wilson was the applicant present to represent this request. Ray Christensen reviewed the location and request for automobile sales located at 377 West 5900 South located within the M-G-C zone on .16 acre. Municipal Code Ordinance 17.160.030 allows automobile sales with Conditional Use Permit approval. The applicant is sharing the property with another automobile sales business, Freestyle Auto Sales, which a Conditional Use Permit has recently been approved. The applicant is requesting automobile sales in an existing building which had previously been used for a radiator auto repair business. The property owner is in the process of combining the two parcels of property into one lot and the parking spaces will be shared between the two businesses. The plans submitted show 17 parking stalls on the entire property for the two business uses. Based on the office total of 1,331 square feet and 1,059 square feet in

storage space. The total customer and employee parking stalls required are 7 parking stalls including one disabled stall. The total cars for sale will be limited to 10 cars based on meeting the parking regulations. The plans show the building meets the setback requirement of the M-G-C zone. The Murray Building Official noted the applicant will need to provide stamped and sealed plans from design professionals for compliance to building codes. The Murray City Engineer noted to repair any sidewalk trip hazards and damaged curb and gutter. Meet all the requirements of the Murray City Water and Sewer Department. Based on the information presented, application materials, and site review, staff recommends approval subject to conditions.

Larry Wilson, 5934 South 840 West, stated that he is the owner of the property. He stated that he has reviewed the staff recommendations and will comply. He stated that both owners of the used car dealerships are also general managers for big car dealerships in the valley that are starting side businesses for themselves, and will be nice businesses with newer used vehicles.

No comments were made by the public.

Karen Daniels made a motion, based on the information submitted and staff review, to grant Conditional Use Permit approval for Extra Mile Used Cars located at 377 West 5900 South subject to the following conditions:

1. The structures will need to meet the building code requirements of the Murray Building Official.
2. The Murray City Engineer noted to repair any trip hazards on the public sidewalk and repair any damaged curb and gutter.
3. Meet all Murray Fire Department requirements including to meet current building and fire codes.
4. A formal landscaping plan will need to be approved by the Murray City Forester and to be installed as approved prior to occupancy.
5. Meet all Murray City Water and Sewer Department regulations.

Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

<u>  A  </u>	Mr. Evans
<u>  A  </u>	Ms. Van Bibber
<u>  A  </u>	Ms. Daniels
<u>  A  </u>	Mr. Taylor

Motion passed, 4-0.

SUNSET LANE SUBDIVISION - 641-661 West 6300 South

Larry Wilson was the applicant present to represent this request. Ray Christensen reviewed the location and request for approval to amend the Sunset Lane Subdivision plat. The subdivision amendments related to adjustments to change the boundary lines to line up with the existing fence lines for the five parcels of property addressed 641 through 661 West 6300 South (south side of 6300 South), which are located within the R-1-8 zone. Murray Code Ordinance 16.04.050 requires subdivision of property approval by the Murray City Officials. The applicant stated that if the houses meet the required setbacks including the side yard setbacks with 20 feet total side yards and 8 feet minimum side yard on one side. Based upon the current square footage and configuration of the subdivision, a new flag lot would not be allowed. The various city departments recommended approval of the proposed subdivision amendment. Based on the information presented in this report, application materials, and site review, staff recommends a positive recommendation be forwarded to the Mayor for approval of the subdivision amendment subject to conditions.

Tim Taylor stated that the planning commission's role on subdivision amendments is to ensure that the proposed subdivision is consistent with the established ordinances and policies of the city and act as an advisory board to the Mayor for approval of the subdivision. The planning commission will make a recommendation to the Mayor regarding approval of the subdivision.

Sheri Van Bibber asked about the regulations for flag lots. Mr. Christensen responded that in the R-1-8 zone, a minimum of 18,000+ sq.ft. would be necessary to subdivide the property because the front lot must meet a minimum square footage of 8,000 sq.ft. and the back lot must meet 1.25 times the area in the underlining zone (10,000 sq.ft. in the R-1-8 zone). The square footage minimum does not include the area of the drive access for the flag lot.

Larry Wilson, 5934 South 840 West, stated he is representing this subdivision amendment. He stated that he has reviewed the staff recommendations and will comply. He stated that he has met with Scott Stanger, City Engineer, regarding the plat who indicated to him his approval. He stated that one of the property lines was off and this amendment will make the fence lines the established property lines in order to prevent future confusion.

Laverne Snow, 654 Krista Court, stated in 2002 Mr. Wilson had requested to have flag lots built on the property which was denied. She asked why this change is being requested. She stated that there has been much confusion about the property lines and existing encroachments onto property lines. She expressed concern with the possibility of an additional flag lot being developed and density increasing due to flag lots. She asked that this subdivision amendment be denied until the residents can get their questions answered regarding why this amendment is being requested and why the houses are being built. She asked about the area between the Tadehara's, Ben Wilson's property and the strip of property owned by the Jensen's. She stated there isn't enough property between Tadehara's home and Ben Wilson's home for an easement for an additional flag lot.

Desiree Hogan, 638 West Krista Court, expressed concern for potential flag lots being developed in this area. She stated in 2002 a flag lot was requested by Mr. Wilson but was denied. There are now 5 homes back there and none of this is currently causing a negative impact onto her property, but she is concerned that amending approved subdivision lines after the homes are built on may allow for future development. She asked if some of the lots are

being reduced in size. Mr. Taylor responded this amendment is changing a couple of the boundaries so as to line up with the existing fence and has already been approved.

Ms. Hogan asked if this subdivision amendment is approved, would it involve subdividing of properties. Mr. Taylor responded that this amendment is not subdividing any property nor is it creating any additional lots.

Brent Hogan, 638 West Krista Court, concurred with the previous concerns expressed. He stated that the neighbors see this application as a gateway for future creation of lots and are skeptical about this application.

Karl Snow, 654 West Krista Court, concurred with the previous concerns expressed. He stated he is opposed to creation of future flag lots.

David France, 647 West 6300 South, stated that the reason for this amendment is to eliminate any possibility of litigation on property lines and the expense associated with such. They have no intention of developing future flag lots and the only property that Larry Wilson owns is the existing flag lot.

Mr. Taylor stated that based on the subdivision plat, there is not adequate area in order to create an additional flag lot.

Larry Wilson responded that he has great respect for the residents residing on Krista Court who have voiced their opinions tonight. He stated that he does not intend to create an additional flag lot, and will be leaving in two months to serve an LDS mission and will not be developing new lots. He stated that this subdivision amendment is an attempt to clean up the boundary discrepancies. He stated that he does own the only existing flag lot in this subdivision because of a property line dispute and subsequently bought the lot back. He stated if Mr. Tadehara decided in the future to create a flag lot that would be on his own accord.

Mr. Wilson stated when he started this subdivision, the ruling stood that if a fence had existed for 40 years or more that judges would rule that the fence is the property line, even if it showed differently on the county records. Since 2002, the judges have reversed that ruling and are upholding the recorded property lines regardless of the fence lines. This amendment is making the fence lines and property lines the same. The property lines are not encroaching into the homes or setbacks.

Tim Tingey stated that the city code outlines requirements in order to create a flag lot. He clarified that a flag lot cannot be created adjacent to an existing flag lot. The existing areas and widths of the lots in this subdivision make it impossible to create another flag lot. He stated that the planning staff measured the lots and concluded that it would not be feasible to develop a flag lot given the current property lines and setback requirements.

Jeff Evans made a motion to send a positive recommendation to the Mayor for approval of the amendment to the Sunset Lane Subdivision located at 641 to 661 West 6300 South subject to the following conditions:

1. Meet the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Records Office.

2. Show utility easements on the subdivision plat to meet the Murray City requirements.

Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

<u>A</u>	Mr. Evans
<u>A</u>	Ms. Van Bibber
<u>A</u>	Ms. Daniels
<u>A</u>	Mr. Taylor

Motion passed, 4-0.

VAN WINKLE SUBDIVISION - 5502 South Van Winkle Expressway

Eric Nelson was the applicant present to represent this request. Ray Christensen reviewed the location and request for preliminary subdivision approval of Van Winkle Subdivision to subdivide the property into four parcels. The property is located within the C-D-C zone on 15 acres. Murray Code Ordinance 16.040.060 requires subdivision approval by Murray City Officials with recommendation from the planning commission. The various city departments recommended approval of the proposed subdivision amendments. The property is accessed only from the public street Van Winkle Expressway. There would be a shared parking agreement for the four lots but, this proposal would give opportunity for sale of the individual lots. Utility easements must be shown on the final subdivision plat. Based on the information presented in this report, application materials submitted and the site review, staff recommends preliminary subdivision approval with conditions.

Eric Nelson, 1234 East 17<sup>th</sup> Street, Santa Ana, California, indicated that he is representing Red Mountain Retail Group, owner of the property. He stated that he has reviewed the staff report and will comply. He stated that this property is being subdivided in an effort to fund and sell the property. This also would provide the opportunity for ground leases for tenants who wish to ground lease buildings and to sell the properties. He stated they purchased the property in 2004. They are dealing with a major bankruptcy issue with Steve & Barry's who recently filed bankruptcy and are currently going through the court proceedings. He stated that they did receive notice yesterday that they will affirm their lease, but that does not mean that they will remain on the property and is under the courts direction.

John Mitchell, 1378 East Old Maple Court, asked the use of the property associated with this subdivision and the height limitation for structures on the property. Mr. Nelson responded that the future use of the property(s) is unknown at this point, but will be in conformance with the current C-D-C zoning uses and regulations. The height of the structures will be 18-20 feet, single story and none of the structures will exceed the height of the existing structures.

Tim Tingey stated that the requirements of the C-D-C zone allows for structures located within 100 feet of residential areas to be a maximum of 35 feet in height.

Sheri Van Bibber made a motion to send a positive recommendation to the Mayor for preliminary subdivision approval of the Van Winkle Subdivision located at 5502 south Van Winkle Expressway subject to the following conditions:

1. Meet the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Recorders Office.
2. Show utility easements on all of the lots to meet the subdivision ordinance regulations with the final plat for recording.

Seconded by Karen Daniels.

Call vote recorded by Ray Christensen.

<u>A</u>	Mr. Evans
<u>A</u>	Ms. Van Bibber
<u>A</u>	Ms. Daniels
<u>A</u>	Mr. Taylor

Motion passed, 4-0.

#### OTHER BUSINESS - Site Plan Review Process Modifications

Tim Tingey stated that staff has implemented the new process for site plan review. He explained that when applications are submitted for development of property which meets the zoning standards and requirements and is a permitted use in the zone, the applicant will submit an application, pay the fee. The process is now that the applicant will go through the site plan review process at the staff level, will have all the departments review the application and give comments. Those comments will be sent back to the applicant by written letter, modifications made if necessary, and then submit application for a building permit. This will streamline the process for developers, planning commission and planning staff. This process will entail posting of a sign on the site indicating that the property is in the site plan review process. The Mayor and city council are aware of this change in procedure.

Jeff Evans asked if there have been many site plan reviews in the past that have generated numerous citizen input at the planning commission meetings. He asked if residents may still be involved in the site plan review process, even though site plan review does not require noticing to surrounding residents. Mr. Tingey responded that a sign will be posted on the site to notify adjacent property owners and they are certainly welcome to contact the city to express concerns. He stated if staff feels there are issues of concern, the applications may be brought to the planning commission for review. He stated this process only for permitted uses that comply with the zoning regulations and there are no additional standards that may be imposed other than those required by code.

Meeting adjourned.

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Ray Christensen, AICP  
Senior Planner